

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
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YANA IVANOV,	:	
	:	
Plaintiff,	:	
	:	19-cv-3422 (LJL)
-v-	:	
	:	<u>ORDER</u>
BUILDERDOME, INC. & ALEX ROZENGAUS,	:	
	:	
Defendants.	:	
	:	
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LEWIS J. LIMAN, United States District Judge:

Both sides in this case consent to trial before the Court and waive any jury trial right. Defendant asks that the trial be held in open court, and not remotely, claiming that witness credibility will be an issue. Plaintiff asks that the Court hold the trial remotely out of the health and safety considerations raised by the COVID-19 pandemic. The Court will hold the trial in open court and not remotely on May 3 and 4, 2021. The trial date was set so that trial would be held after the Southern District Courthouse is open for proceedings in open court. The date provides the parties with enough time to take the appropriate health and safety measures. No party has identified any good cause or compelling safeguards which would cause the Court to depart from the preference reflected in the Federal Rules for trials “in open court.” Fed. R. Civ. P. 43; *see Eastern Profit Corp. Ltd v. Strategic Vision US LLC*, No. 18-cv-2185 (LJL), Dkt. No. 318.

The Court will take several measures to ensure safety. The joint pretrial order will be due on April 14, 2021. In addition to the items specified in my Individual Practices, each side shall submit with the joint pretrial order affidavits or declarations containing the direct testimony of each witness that party intends to offer in its case-in-chief, along with copies of any exhibits that the party intends to offer through that witness or otherwise. (To expedite proceedings and further ensure safety, the Court exercises its discretion to receive the direct testimony only by declaration, with cross-examination to proceed in open court.) The party not bearing the burden of proof on an issue may supplement its declarations by filing a revised or supplemental declaration on ECF no later than April 16, 2021, limited to responses to the unexpected testimony by declaration of a party bearing the burden of proof. The pretrial conference will be held as scheduled on April 23, 2021 but shall be telephonic. Parties are directed to dial (888) 251-2909 and use access code 2123101. At the pretrial conference, the Court will discuss scheduling witness testimony so that no witness shall have to wait unnecessarily in the courtroom before being called to testify.

SO ORDERED.



Dated: February 16, 2021
New York, New York

LEWIS J. LIMAN
United States District Judge